

AMENDED IN ASSEMBLY MARCH 17, 2016

CALIFORNIA LEGISLATURE—2015–16 REGULAR SESSION

ASSEMBLY BILL

No. 2089

Introduced by Assembly Member Quirk

February 17, 2016

An act to amend Section ~~3006~~ 3019.5 of the Elections Code, relating to elections.

LEGISLATIVE COUNSEL’S DIGEST

AB 2089, as amended, Quirk. ~~Elections: vote by mail ballots. Vote by mail ballots: voter notification.~~

Existing law requires a county elections official to establish a free access system that allows a vote by mail voter to learn if his or her vote by mail ballot was counted, and, if not, the reason why the ballot was not counted. Existing law requires the elections official to make the free access system available to a vote by mail voter upon completion of the official canvass and for 30 days after completion of the official canvass.

This bill would require a county elections official to additionally notify a voter if his or her vote by mail ballot was not counted. By imposing an additional duty on local elections officials, the bill would create a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.

~~Existing law requires a vote by mail ballot to be available to any registered voter. Existing law requires a printed application that is to be distributed to a voter for requesting a vote by mail voter's ballot to inform the voter that the application must be received by the elections official not later than 7 days before the date of the election and requires the printed application to contain spaces for the input of specified information.~~

~~This bill would make technical, nonsubstantive changes to this provision.~~

Vote: majority. Appropriation: no. Fiscal committee: ~~no~~-yes.
State-mandated local program: ~~no~~-yes.

The people of the State of California do enact as follows:

1 *SECTION 1. Section 3019.5 of the Elections Code is amended*
2 *to read:*

3 3019.5. (a) A county elections official shall establish a free
4 access system that allows a vote by mail voter to learn if his or her
5 vote by mail ballot was counted and, if not, the reason why the
6 ballot was not counted. For each election, the elections official
7 shall make the free access system available to a vote by mail voter
8 upon completion of the official canvass and for 30 days after
9 completion of the official canvas.

10 (b) For purposes of establishing the free access system for vote
11 by mail ballots required by subdivision (a), a county elections
12 official may use the free access system for provisional ballots
13 established by the county pursuant to Section 302 of the federal
14 Help America Vote Act of 2002 (52 U.S.C. Sec. 21082).

15 (c) If a county elections official elects not to mail a sample ballot
16 to a voter pursuant to Section 13305, the elections official shall
17 use any savings achieved to offset the costs associated with
18 establishing the free access system for vote by mail ballots required
19 by subdivision (a).

20 (d) *In addition to establishing a free access system pursuant to*
21 *subdivision (a), a county elections official shall notify a voter if*
22 *his or her vote by mail ballot was not counted.*

23 *SEC. 2. If the Commission on State Mandates determines that*
24 *this act contains costs mandated by the state, reimbursement to*
25 *local agencies and school districts for those costs shall be made*

1 *pursuant to Part 7 (commencing with Section 17500) of Division*
2 *4 of Title 2 of the Government Code.*

3 ~~SECTION 1. Section 3006 of the Elections Code is amended~~
4 ~~to read:~~

5 ~~3006. (a) A printed application that is to be distributed to a~~
6 ~~voter for requesting a vote by mail voter's ballot shall inform the~~
7 ~~voter that the application for the vote by mail voter's ballot must~~
8 ~~be received by the elections official no later than seven days before~~
9 ~~the date of the election and shall contain spaces for the following:~~

10 ~~(1) The printed name and residence address of the voter as it~~
11 ~~appears on the affidavit of registration.~~

12 ~~(2) The address to which the ballot is to be mailed.~~

13 ~~(3) The voter's signature.~~

14 ~~(4) The name and date of the election for which the request is~~
15 ~~to be made.~~

16 ~~(b) (1) The information required by paragraphs (1) and (4) of~~
17 ~~subdivision (a) may be preprinted on the application. The~~
18 ~~information required by paragraphs (2) and (3) of subdivision (a)~~
19 ~~shall be personally affixed by the voter.~~

20 ~~(2) An address, as required by paragraph (2) of subdivision (a),~~
21 ~~may not be the address of a political party, a political campaign~~
22 ~~headquarters, or a candidate's residence. However, a candidate,~~
23 ~~his or her spouse, immediate family members, and any other voter~~
24 ~~who shares the same residence address as the candidate may request~~
25 ~~that a vote by mail ballot be mailed to the candidate's residence~~
26 ~~address.~~

27 ~~(3) An application that contains preprinted information shall~~
28 ~~contain a conspicuously printed statement substantially similar to~~
29 ~~the following: "You have the legal right to mail or deliver this~~
30 ~~application directly to the local elections official of the county~~
31 ~~where you reside."~~

32 ~~(4) A printed vote by mail application that allows a voter to~~
33 ~~submit the application by mail shall inform the voter of the address~~
34 ~~for the elections official and specify that address as the only~~
35 ~~appropriate destination address for mailing the application. Nothing~~
36 ~~in this subdivision shall be construed to prohibit an individual,~~
37 ~~organization, or group that distributes applications for vote by mail~~
38 ~~voter ballots from collecting or receiving applications from voters,~~
39 ~~as described in Section 3008, by means other than having the~~

1 applications mailed directly to the address of the distributing
2 individual, organization, or group.

3 (e) The application shall inform the voter that if he or she has
4 declined to disclose a preference for a political party, the voter
5 may request a vote by mail ballot for a particular political party
6 for the partisan primary election, if that political party has adopted
7 a party rule, duly noticed to the Secretary of State, authorizing that
8 vote. The application shall contain a toll-free telephone number,
9 established by the Secretary of State, that the voter may call to
10 access information regarding which political parties have adopted
11 such a rule. The application shall contain a checkoff box with a
12 conspicuously printed statement that reads substantially similar to
13 the following: "I have declined to disclose a preference for a
14 qualified political party. However, for this primary election only,
15 I request a vote by mail ballot for the _____ Party." The name
16 of the political party shall be personally affixed by the voter.

17 (d) The application shall provide the voter with information
18 concerning the procedure for establishing permanent vote by mail
19 voter status, and the basis upon which permanent vote by mail
20 voter status is claimed.

21 (e) The application shall be attested to by the voter as to the
22 truth and correctness of its content, and shall be signed under
23 penalty of perjury.